

1 Mark R. Thierman, Esq. (Nev. Bar No. 8285)  
 mark@thiermanbuck.com  
 2 Joshua D. Buck, Esq. (Nev. Bar No. 12187)  
 josh@thiermanbuck.com  
 3 Leah L. Jones, Esq. (Nev. Bar No. 13161)  
 leah@thiermanbuck.com  
 4 **THIERMAN BUCK, LLP**  
 7287 Lakeside Drive  
 5 Reno, Nevada 89511  
 Telephone: (775) 284-1500  
 6 Fax: (775) 703-5027

7 David R. Markham, CA. Bar No. 071814 (pro hac vice)  
 dmarkham@markham-law.com  
 8 Janine R. Menhennet, CA. Bar No. 163501 (pro hac vice)  
 jmenhennet@markham-law.com  
 9 **THE MARKHAM LAW FIRM**  
 10 750 B Street, Suite 1950  
 San Diego, CA 92101  
 11 (619) 399-3995  
 12 *Attorneys for Plaintiff*

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE DISTRICT OF NEVADA**

16 CHARDE EVANS, on behalf of herself, and all  
 17 others similarly situated,  
 18 Plaintiff,  
 19 v.  
 20 WAL-MART STORES, INC., and DOES 1  
 through 50, Inclusive,  
 21 Defendants.  
 22

Case No. 2:10-cv-01224-JCM-VCF

**PLAINTIFF’S MOTION TO VACATE  
 STATUS CONFERENCE SET FOR  
 SEPTEMBER 15, 2017**

Date: September 15, 2017  
 Time: 10:00 a.m.  
 Judge: Magistrate Ferenbach

Judge: Hon. James C. Mahan

1 Plaintiff respectfully requests that this Court vacate the Status Conference scheduled  
2 for September 15, 2017 at 10:00 a.m. because the Nevada Supreme Court has yet to issue its  
3 decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No.  
4 70696.

5 Dated: September 11, 2017

Respectfully submitted:

6 THIERMAN BUCK LLP

7  
8 By: s/Joshua D. Buck

Joshua D. Buck

9 Attorneys for Plaintiff and the Class

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 This Court granted Wal-Mart's motion to stay the case pending the Nevada Supreme  
12 Court's decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup.  
13 Ct. No. 70696 ("*Neville*"). See ECF No. 91.

14 Counsel for Plaintiff is also counsel for Petitioner in the *Neville* action.<sup>1</sup> The Nevada  
15 Supreme Court heard oral argument on *Neville*'s Petition on July 17, 2017.<sup>2</sup> As of the date of  
16 filing this Motion, the Nevada Supreme Court has not issued its decision in *Neville*. Counsel  
17 for Plaintiff expects a decision in *Neville* in the next few months. Upon issuance of a decision  
18 in *Neville*, Counsel for Plaintiff will provide this court with a Notice of Decision no later than  
19 seven (7) days after the issuance of the decision by the Nevada Supreme Court.

20 Dated: September 11, 2017

Respectfully submitted:

21 THIERMAN BUCK LLP

22  
23 By: s/Joshua D. Buck

Joshua D. Buck

24 Attorneys for Plaintiff and the Class

25 <sup>1</sup> The *Neville* docket can be found at:

26 <http://caseinfo.nvsupremecourt.us/public/caseView.do;jsessionid=02F070F991ECE4DADD4507D238D0986D?csIID=39913> (last visited Aug. 16, 2017).

27 <sup>2</sup> An audio transcript of the oral argument in *Neville* can be found at:

28 [http://nvcourts.gov/Supreme/Arguments/Recordings/NEVILLE,\\_JR\\_VS\\_DISTRICT\\_COURT\\_\(TERRIBLE\\_HERBST,\\_INC\\_\)/](http://nvcourts.gov/Supreme/Arguments/Recordings/NEVILLE,_JR_VS_DISTRICT_COURT_(TERRIBLE_HERBST,_INC_)/) (last visited Aug. 16, 2017).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

Plaintiff's Motion to Vacate the September 15, 2017 Status Conference is GRANTED.

Plaintiff shall file a Notice of Decision within seven (7) days after the Nevada Supreme Court's ruling in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No. 70696.

**IT IS SO ORDERED.**

September 12  
DATED: \_\_\_\_\_, 2017

  
\_\_\_\_\_  
CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE